

PCM:ea
22NOV04

FILED
FULTON COUNTY
COMMON PLEAS COURT
2022 DEC 19 PM 4:12
TRACY L. ZUVER
CLERK

IN THE COURT OF COMMON PLEAS OF FULTON COUNTY, OHIO

VYACHESLAV ZOLOYEV
8974 N. Western Ave
Apartment 309
Des Plaines, IL 60016

CASE NO. *22cv000208*

JUDGE *Robinson*

and

**PLAINTIFFS' COMPLAINT WITH JURY
DEMAND AND PRAECIPE**

ZALIMA KESONOVA
8974 N. Western Ave
Apartment 309
Des Plaines, IL 60016

Peter C. Munger (0042288)
MUNGER COMPANY, L.P.A.
Suite 400, 626 Madison Avenue
Toledo, Ohio 43604
Telephone: 419-241-4400
Facsimile: 419-241-2344
pmunger@mungerlaw.com
secretary@mungerlaw.com
Attorney for Plaintiffs

Plaintiffs,

v.

WILLIAM WAECHTER
76 S. Messick Rd
New Castle, IN 47362

and

MFD EXPRESS INC.
8463 N. CR 200 W.
Springport, IN 47386

Defendants.

Now comes Plaintiffs, Vyacheslav Zoloyev and Zalima Kesonova, by and through counsel, Peter C. Munger of Munger Company, LPA and for their Complaint against Defendants, state and aver as follows:

1. On or about April 20, 2022, shortly after midnight, there was a serious motor vehicle crash on Interstate 80 eastbound, near mile post 32 in Dover Township, Fulton County, Ohio.

2. The crash was between a 2011 Freightliner semi-tractor tanker trailer, operated by Defendant William Waechter in the course and scope of his employment for Defendant MFD Express Inc., and a 2001 Dodge 3500 Ram operated by Plaintiff Vyacheslav Zoloyev.

3. The crash occurred as a direct and proximate result of Defendant Waechter's negligence by the manner in which he improperly and unlawfully operated his tanker trailer on the date in question, rear ending the Plaintiff's Dodge Ram.

4. Defendant Waechter's actions were negligent, at least in part, by virtue of his failure to operate his motor vehicle in accordance with applicable driving rules and regulations, including but not limited to, his failure to operate his unit in accordance with his obligation to do so within an assured clear distance of other discernable motor vehicles.

5. As a direct and proximate result of Defendant Waechter's negligence, Plaintiff Zoloyev sustained severe, debilitating, and permanent bodily injuries which continue to plague him at present and which have caused him to incur medical care and treatment expense exceeding \$1,000,000.00 to date and wage loss exceeding \$100,000.00 along with pain and suffering, disability, and loss of enjoyment of life.

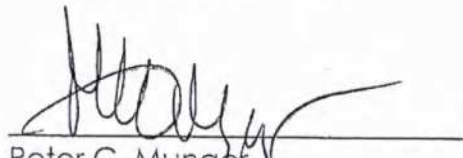
6. Defendant MFD Express Inc. is also liable to the Plaintiffs for negligently hiring and/or training and/or supervising its driver and it is liable under the legal doctrines of respondeat superior and/or vicarious liability since Mr. Waechter was operating his semi tanker trailer in the course and scope of his employment for Defendant MFD Express Inc.

7. Venue and jurisdiction are proper in Fulton County by virtue of the location where this serious and debilitating motor vehicle crash occurred.

8. Co-Plaintiff Zalima Kesonova was Plaintiff Zoloyev's wife when the crash occurred and as a direct and proximate result of the Defendants' negligence, and the injuries and damages sustained by her husband, she herself sustained a loss of consortium for which she is entitled to be fully compensated.

WHEREFORE, Plaintiffs pray for judgement against the Defendants, who are jointly and/or severally liable, in an amount exceeding \$1,000,000 plus interest, costs, and any other relief to which they are entitled.

Respectfully submitted,

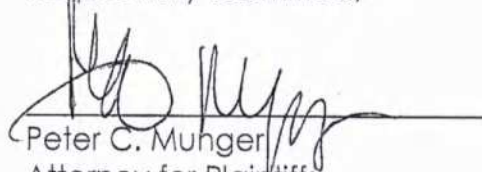
A handwritten signature in black ink, appearing to read 'Peter C. Munger', is written over a horizontal line.

Peter C. Munger
Attorney for Plaintiffs

JURY DEMAND

Plaintiffs request a Jury by the maximum number of individuals permitted by law.

Respectfully submitted,


Peter C. Munger
Attorney for Plaintiffs

PRAECIPE

TO THE CLERK:

Please serve a summons and copy of **PLAINTIFFS' COMPLAINT WITH JURY DEMAND AND PRAECIPE** by certified mail, return receipt requested upon the following:

WILLIAM WAECHTER
76 S. Messick Rd
New Castle, IN 47362

MFD EXPRESS INC.
c/o Matthew Chapman
8463 N. CR 200 W.
Springport, IN 47386


Peter C. Munger
Attorney for Plaintiffs